1st Lot

SINGLE BENCH

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 1592 /2005.

PETITIONER / Appellant : Kanglu Singh, S/o Gajadhar Singh aged about 60 years, Occupation- Retired Service man, R/o Janji, Tah- Masturi, Distt. Bilaspur (C.G.)
Through: Power of Attorney Holder Ku. Lalita Singh, D/o Kanglu Singh, aged about 40 years, R/o Village- Janji, Tah-Masturi, Distt. Bilaspur (C.G.)

VERSUS

P.R. No. 1568/05 Presented by Shri ... dated 11/ 07/ 05

RESPONDENTS : 1) Shatrughan Singh Rajput, S/o Shri Nathu Singh, aged about 55 years, R/o Village- Janji, Tah- Masturi, Distt. Bilaspur (C.G.) At present 27 Kholi, infront of Gurudwara and infront of Teg Bahadur School, Bilaspur (C.G.)

2) State of Chhattisgarh, Through: The Collector Bilaspur,

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 1592/05 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

26-04-2005

Shri Manoj Mishra, counsel for the petitioner.

Shri Parag Kotecha, Panel Lawyer for the State.

Heard.

This petition under Article 227 of the Constitution of India has been filed against the order dated 1-3-2005 (Annexure-P/6) passed by the Additional District Judge, Bilaspur in Civil Appeal No.16-A/2004, whereby the application filed by the petitioner under Order 41 Rule 27 of the Code of Civil Procedure has been rejected after its hearing.

On perusal of the record, it reveals that the learned Court below mentioned in the order sheet dated 1-3-2005 that the petitioner has not disclosed the particulars/details relating to receipt of documents in the application filed by him under Order 41 Rule 27 of the Code of Civil Procedure.

Having considered the facts and circumstances of the case and material on record, on perusal of the order of the Court below and in view of the law laid down by the Apex Court in the case of ***Surya Dev Rai vs Ramachander Rai*** reported in ***AIR 2003 SC 3044***, in the opinion of this Court, no case for interference in the impugned order is made out in exercise of extra-ordinary jurisdiction under Article 227 of the Constitution of India. However, the petitioner may raise the grounds in an appeal in case such an eventuality arises.

With the aforesaid observations, the petition stands disposed of.

Consequently, M.(W.).P.No.1237/05 and I.A.No. 3073/05 also stand disposed of.

Sd/-
Fakhruddin
Judge